

Mr. Timothy Parsons, Ph.D.
State Historic Preservation Officer
Director, Division of Historical Resources
500 South Bronough Street
R.A. Gray Building, Room 305
Tallahassee, Florida 32399-0250

Subject: Consultation Under the National Historic Preservation Act Regarding the State of Florida's
Request to Assume Administration of a CWA Section 404 Program

Dear Dr. Parsons:

On August 20, 2020, the State of Florida submitted a request to the U.S. Environmental Protection Agency, Region 4 (EPA) to assume the administration of a Clean Water Act Section 404 program (CWA Section 404) for regulating discharges of dredged or fill material into waters of the United States. Pursuant to the CWA Section 404 and its implementing regulations (40 C.F.R. Part 233), the EPA is the federal agency charged with approving or denying Florida's request. The EPA has 120 days within which to complete this action (i.e., by December 17, 2020). The EPA has determined that approval of a state program under this provision is a federal undertaking. Therefore, in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and the Advisory Council on Historic Preservation's implementing regulations, the EPA is initiating consultation with your office on this undertaking.

The EPA will publish notice in the Federal Register of the proposed action for public comment in the near future. You are receiving this information before it is distributed to the public in order to initiate consultation with your office under NHPA Section 106. Therefore, under the NHPA and in accordance with 36 C.F.R. § 800.3(c), the EPA is initiating consultation to consider and address any potential effects of this undertaking on historic properties. The timeline for the consultation process begins with this letter. Please let us know within 30 days of receiving this letter if you wish to consult on this undertaking. Due to COVID-19, the consultation meetings will be held by phone or through virtual meeting platforms.

Materials regarding Florida's program request can be found at this link [HYPERLINK "https://usepa.sharepoint.com/f:/r/sites/R4/r4_wetlands_stream_regulatory_section/Shared%20Documents/Florida%20Assumption%20EPA%20Internal/Shared%20Package%20Folder?csf=1&web=1%20"]. This information will also be available to the public upon publication of the Federal Register notice referenced above.

We look forward to consulting with your office under the NHPA on Florida's request to assume a CWA Section 404 program. If you have any questions regarding this matter, please contact me at (404)

562-9345, or have a member of your staff contact Mr. Kelly Laycock at (404) 562-9132 or [HYPERLINK "mailto:McGill.Thomas@epa.gov%20"].

Sincerely,

Jeaneanne M. Gettle, Director
Water Division